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EXAMINER

BRANT, DMITRY

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/971,816

Applicant(s)

EVERHART, CHARLES ALLEN

Examiner

Dmitry Brant

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/05/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3,4.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6-9, 12-15, 17-20, rejected under 35 U.S.C. 102(e) as being anticipated by Buchner et al. (6,535,854)

The U.S. patent of Buchner et al. teaches computer-based apparatus (system) and hence the methods and computer code necessary to implement this system are inevitably part of Buchner et al.'s teachings.

The table bellow summarizes the limitations of this application and parts of Bucher et al. that read on these limitations.

Claim#	Limitations	Buchner et al.
1,12	A method for dynamically augmenting available voice commands in an automobile voice recognition system to actuate a vehicle subsystem, the method comprising:	The examiner did not give patentable weight to the preamble, specifically to the terms "automotive" and "vehicle subsystem" because the body of the claim does not depend on the preamble for completeness.

	<p><u>scanning the voice recognition system for a grammar data</u> indicative of a system function</p> <p><u>converting the grammar data to a usable command</u> for access by a system user and</p> <p><u>storing the usable command in a system memory</u> for use by the system user to carry out the system function.</p>	<p>Speech unit checks all connected devices for new speech control functionality (<b>Col. 10, lines 48-49</b>). New devices send the speech unit their of vocabulary and grammars (<b>Col. 10, lines 59-64</b>), which are entirely device-dependent (<b>Col. 9, lines 31-32</b>) and thus represent additional system functions.</p> <p><b>FIG. 8</b> demonstrates examples of various grammars used by the system. Each grammar is directly used by the speech recognition unit (<b>Col. 9, lines 29-30</b>). Therefore, the speech recognition unit must inherently convert the grammars received from other units to an internal format that would allow the recognition system to process user's voice commands.</p> <p>Extended grammar memory (<b>elem. 7d, FIG. 1</b>) stores grammars learned from other network devices (<b>Col. 4, lines 25-28</b>), hence enable user to control these devices through speech recognition.</p>
2,13	<p>The method of claim 1 further comprising <u>determining whether the usable command is present</u> in the <u>system memory</u>.</p>	<p>The speech unit knows an "initial" set of basic commands (<b>Col. 3, lines 1-13</b>), therefore, for each command the unit will determine whether the command is the "initial" command of type "play" or "search" (and thus already stored in memory - <b>elems. 7a, 7c, FIG. 1</b>) or the extended commands (<b>elems. 7b, 7d, FIG. 1</b>) learned from a networked device</p>

3	The method of claim 1 further comprising <u>listening for commands spoken</u> by the system user.	The system takes spoken commands from the user ( <b>Col. 10, lines 36-38</b> )
4,15	The method of claim 1 further comprising determining whether a user's <u>spoken command is a valid command</u> .	The system verifies whether user's command can be generated, and if not, notifies the user ( <b>Col. 10, lines 40-44</b> )
6,17	The method of claim 1 wherein the <u>grammar data is related to information stored on a removable storage media</u> .	Commands containing media descriptions are obtained from the CDs ( <b>Col. 11, lines 43-45 and 57-60</b> )
7,18	The method of claim 6 wherein the removable storage media is a compact disk and the grammar data is at least one of a <u>name of a song</u> , a title of the compact disk, and a track number associated with a song on the compact disk.	Commands include song titles ( <b>Col. 11, lines 44-45</b> )
8,19	The method of claim 1 wherein <u>the grammar data</u> is related to information received by an in-vehicle <u>stereo</u> .	Commands include radio station names ( <b>Col. 11, lines 44-45</b> )
9,20	The method of claim 8 wherein the grammar data is a <u>radio station's call letters</u> .	The system can search for the station based on the letters YXZ ( <b>Col. 3, lines 8-9</b> )
14	The system of claim 12 further comprising a <u>microphone</u> for listening for commands spoken by the system user.	<b>Elem. 1, FIG. 1</b>

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2655

4. Claims 5, 16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchner et al.

The U.S. patent of Buchner et al. teaches computer-based apparatus (system) and hence the methods and computer code necessary to implement this system are inevitably part of Buchner et al.'s teachings.

As per claims 5 and 16, Buchner et al. do not disclose that "determining whether a user's spoken command is a valid command includes comparing the user's spoken command with a plurality of stored commands."

However, the examiner takes the official notice that determining errors in user's speech input by comparing user's commands to the stored commands is a well-known technique in the art of speech recognition. In fact, aside from trying to determine whether the command is valid in some specific context, this method seems as the most straightforward way of determining the basic validity of the user's input, because the system has to match the input command to some internal standard or template before deciding that the command is valid (i.e. understood) or invalid (i.e. not understood).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Buchner et al. to check the validity of user's commands by comparing the input commands to the plurality of stored commands in order to ensure that the system only accepted valid commands or, otherwise, informed the user about input errors.

As per claim 23, Buchner et al. do not disclose a system "wherein the storage media is in communication with an MP3 player for receiving grammar data therefrom."

However, Buchner et al. disclose various other electronic devices (VCRs, CD's etc) that are part of the overall system (FIG. 6). The examiner takes official notice that MP3 players are well-known in the art of consumer electronics and can be used instead of or in addition to regular CD and DVD players in home entertainment systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Buchner et al. to accept MP3 player into the voice operated system in order to broaden the variety of music that could be played through the entertainment system.

5. Claims 10-11, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchner et al. in view of Geilhufe et al. (6,584,439)

The U.S. patents of Buchner et al. and Geilhufe et al. teach computer-based apparatus (system) and hence the methods and computer code necessary to implement this system are inevitably part of Buchner et al.'s and Geilhufe et al.'s teachings.

Buchner et al. disclose dialing telephone numbers using voice commands (Col.3, lines 8-12). The system parses these commands using specialized grammars (Col. 9, lines 29-30)

Buchner et al. do not disclose "grammar data [that] is related to information contained within an electronic address book of in-vehicle phone system" and comprises "at least one of a contact name, contact address, contact phone number, and contact location in the address book." However, it would have obvious to one of ordinary skill in the art that a "in-vehicle" phone is not different from a regular phone in terms of its address book capabilities. For example, it is notoriously well-known in the art that regular cell-phones can be easily converted into hands-free "car" phones via the use of standard attachments sold in electronic and automotive shops.

Geilhuffe et al. disclose voice-controlled telephone containing an address book, where the user can dial a telephone number by verbally entering the names stored in the address book. (Col. 4, lines 38-42)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Buchner et al. as taught by Geilhuffe et al. to enable the speech recognition system to work with the address book devices, such as PDAs. This would naturally extend Buchner et al.'s system so it could make phone calls based on the information stored in the address books (such as names, as opposed to only phone numbers) of the electronic phone devices (PDA's, etc).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Grant et al. (6,208,972) teach a method of integrating various computer devices with speech-controlled system.

Graham et al. (6,654,720) teach a system for discovery for device in speech-controlled environment

Junqua (6,598,018) teaches a speech dialog interface for communicating to car devices.

Muhling (5,878,394) teaches a speech-controlled remote control of electrical consumer devices


Borgshtahl et al. (5,909,183) teach interactive appliance controller.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Brant whose telephone number is (703) 305-8954. The examiner can normally be reached on Mon. - Fri. (8:30am - 5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Talivaldis Ivars Smits can be reached on (703) 306-3011. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Tech Center 2600 receptionist whose telephone number is (703) 305- 4700.

DB

  
5-27-04

NGUYENT.T.VO  
PRIMARY EXAMINER